



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 30, 1998

Mr. Rick Perry
Commissioner
Texas Department of Agriculture
P.O. Box 12847
Austin, Texas 78711

OR98-3288

Dear Mr. Perry:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121064.

The Texas Department of Agriculture (the "department") received a request for records submitted to the department by Justin Seed Company and Swain Farm & Ranch. You assert that the interests of these third parties may be adversely affected by the release of the requested information. You have provided responsive records submitted by Justin Seed company.¹ You indicate that no records were found for Swain Farm & Ranch. You do not raise any objection to disclosure on behalf of the department.

As no records were found for Swain Farm & Ranch, their interests are not at issue here. This office informed Justin Seed Company of the request and of its obligation to claim the exceptions to disclosure it believes apply to the requested information, together with arguments applying those exceptions, within seven days pursuant to section 552.305 of the Government Code. As of this date, there has been no reply. As no claim of an exception to the Open Records Act has been raised, the information is presumed public and the department must release it to this requestor.

¹We note that the requested information is "public information," as defined by section 552.002 of the Government Code, in that it is "collected, assembled or maintained under a law or ordinance or in connection with the transaction of official business . . . by a governmental body."

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Michael J. Burns". The signature is fluid and cursive, with a large initial "M" and a stylized "B".

Michael J. Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 121064

Enclosures: Submitted documents

cc: Mr. John Butler
Arkansas County Seed Company, Inc.
P.O. Box 43
Stuttgart, Arkansas 72160
(w/o enclosures)